

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

STILTON INTERNATIONAL	)	
HOLDINGS LIMITED,	)	
	)	
Petitioner,	)	C.A. No. 08-361 (JJF)
	)	
v.	)	
	)	
CIS FINANCIAL SERVICES, INC. and	)	
CARGILL, INCORPORATED,	)	
	)	
Respondents.	)	

**RESPONDENTS' MOTION FOR LEAVE TO FILE UNDER SEAL THEIR  
CROSS-MOTION TO VACATE OR ALTERNATIVELY TO MODIFY  
ARBITRATION AWARD AND THEIR MEMORANDUM IN OPPOSITION TO  
THE MOTION FOR CONFIRMATION OF ARBITRATION AWARD AND  
ENTRY OF JUDGMENT AND IN SUPPORT OF CROSS-MOTION**

Respondents Cargill, Incorporated ("Cargill, Inc.") and CIS Financial Services, Inc. ("CISFS", collectively "Cargill") hereby seek leave to file under seal their Cross-Motion to Vacate or Alternatively to Modify Arbitration Award and Memorandum in Opposition to the Motion for Confirmation of Arbitration Award and Entry of Judgment and in Support of Cross-Motion to Vacate or Alternatively to Modify Arbitration Award ("Opposition and Cross-Motion") and all attachments thereto in the above-captioned matter. In support of this Motion, Cargill states as follows:

1. Petitioner Stilton International Holdings Limited ("Stilton") initiated this action on June 16, 2008 by filing a Petition to Confirm an Arbitration Award pursuant to section 207 of the Federal Arbitration Act ("Petition") [D.I. 2]. The arbitration award at issue was executed on May 20 and May 21, 2008 (the "Award"). Stilton simultaneously filed a Motion for Confirmation of Arbitration Award and Entry of Judgment ("Confirmation Motion") [D.I. 3].

2. Stilton also filed a Motion to file the Petition, Confirmation Motion and Memorandum in support of the Confirmation Motion under seal (“Seal Motion”) [D.I.1]. The Court granted Stilton’s Seal Motion on June 19, 2008 [D.I. 6].

3. In its Seal Motion, Stilton asserted that while the Award itself was not confidential, other information set forth in the Petition may be considered confidential by the parties. [D.I. 1 at ¶1]. This same reasoning supports Cargill’s Opposition and Cross-Motion being filed under seal. Cargill’s Opposition and Cross-Motion and supporting attachments utilize information ancillary to the actual terms of the Award that may be considered confidential by the parties.

4. Further the parties had a Confidentiality Stipulation and Order in place for the arbitration proceedings. Cargill would request that its Opposition and Cross-Motion along with supporting attachments be permitted to be filed under seal to allow the parties time to address the confidentiality concerns that led to the entry of the Confidentiality Stipulation in the arbitration.

5. “Documents containing trade secrets or other confidential business information may be protected from disclosure.” *Leucadia, Inc. v. Applied Extrusion Tech., Inc.*, 998 F.2d 157, 166 (3d Cir. 1993). “[C]ourts have refused to permit their files to serve as . . . sources of business information that might harm a litigant’s competitive standing.” *Id.* (quoting *Nixon v. Warner Comm., Inc.*, 435 U.S. 589, 598 (1978)). The Opposition and Cross-Motion along with the supporting attachments contain confidential business information related to the parties and therefore may be filed under seal.


WHEREFORE Cargill, Incorporated and CIS Financial Services, Inc. respectfully request that the Court enter an order in the form attached hereto granting Respondents

permission to file their Cross-Motion to Vacate or Alternatively to Modify the Arbitration Award and Memorandum in Opposition to the Motion for Confirmation of Arbitration Award and Entry of Judgment and in Support of Cross-Motion to Vacate or Alternatively to Modify Arbitration Award and all attachments thereto under seal.

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*Attorneys for Respondents CIS Financial  
Services, Inc. and Cargill, Incorporated*

DATE: July 3, 2008

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

STILTON INTERNATIONAL	)	
HOLDINGS LIMITED,	)	
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Petitioner,	)	C.A. No. 08-361 (JJF)
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v.	)	
	)	
CIS FINANCIAL SERVICES, INC. and	)	
CARGILL, INCORPORATED,	)	
	)	
Respondents.	)	

**ORDER**

Upon application of Respondents Cargill, Incorporated and CIS Financial Services, Inc. (collectively, "Cargill") and for good cause shown,

**IT IS HEREBY ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_ 2008, that Respondents may file their Motion to Vacate or Alternatively to Modify Arbitration Award and their Memorandum in Opposition to the Motion for Confirmation of Arbitration Award and Entry of Judgment and in Support of Cross-Motion to Vacate or Alternatively to Modify Arbitration Award and all attachments thereto under seal.

\_\_\_\_\_  
The Honorable Judge Joseph J. Farnan, Jr.  
United States District Judge